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BY FAX TO: (212) 805-6305

May 8, 2008

Honorable Paul A. Crotty  
United States District Judge  
500 Pearl Street  
New York, New York 10007

Re: USA -v- Jose Recaute-Cobo  
07-cr-880-2(PAC)

Dear Judge Crotty:

This matter is currently scheduled for sentencing on May 12. \*With the consent of AUSA Marissa Mole I am requesting an adjournment to Tuesday, June 10, 2008, at four PM, a date I am told is suitable for the Court.

AUSA Mole has informed me that she does not deem Mr. Cobo eligible for safety valve relief because he was not truthful at a proffer. I disagree with this conclusion and believe there is no basis in fact for it. Therefore I am requesting a hearing as to this issue, and respectfully ask that the Court direct the Government to produce the case agent(s) rather than to proffer their affidavits.

Respectfully submitted,



Todd M. Merer

TMM/lc

cc: AUSA Mole @ FAX No. (212) 805-2387  
Roland Thau, Esq. @ FAX No. (212) 571-0392

*as to the adjournment only*  
\*Application GRANTED. The sentencing is adjourned to 6/10/08 at 4:00 pm in Courtroom 20-C.  
SO ORDERED: MAY 08 2008

  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

TOTAL P.003

MEMO ENDORSED

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